

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

JACOB DUFFEE,

Plaintiff,

v.

LOWE’S HOME CENTERS, INC.,

Defendant.

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Civil Action No. **3:11-CV-2101-L**

ORDER

Before the court is the parties’ Joint Motion to Alter or Amend Judgment (“Joint Motion”), filed November 17, 2011. The court previously entered an order on November 3, 2011, dismissing this action without prejudice. In their Joint Motion, the parties request that the court vacate its November 3, 2011, order pursuant to Federal Rule of Civil Procedure 59(e). Although it was not apparent from a prior November 2, 2011 Stipulation of Dismissal filed by the Plaintiff, the parties explain in their Joint Motion that they both agreed and intended for the dismissal of the action to be with prejudice. After consideration of the Motion, applicable law, and the parties’ intentions, the court determines that the parties’ Joint Motion to Alter or Amend Judgment should be and is hereby **granted**. Accordingly, the court **vacates** its order of November 3, 2011, and **directs** the clerk of the court to **reopen** this case. Pursuant to a telephone conference held by the court on November 23, 2011, the parties must submit an amended stipulation of dismissal, and Plaintiff is to withdraw his notice of appeal.

It is so ordered this 23rd day of November, 2011.


Sam A. Lindsay
United States District Judge